Stay Vacation App. 1145 /06
In
C.24 No. 24 of 2005

Hon. P.C. Pant, J.

Heard.

This is an application moved under Section 24 of the Code of Civil Procedure, 1908 for transfer of Guardians and Wards Case No. 02 of 2005 pending before Additional Judge, Family Court, Rishikesh to the Principal Judge, Family Court, Dehradun.

The petition for custody of the child under of the Guardians and Wards Act, 1890 is maintainable in the court having territorial jurisdiction of the place where the person having custody of the child resides. From the averments of the parties, it appears that the custody of the child at present is with the applicant, who is mother of the child and lives in Dehradun.

Learned counsel for the respondent No. 2, who has filed the petition before the Additional Judge, Family Court, Rishikesh states that he has no objection if the petition is transferred to the court of Principal Judge, Family Court at Dehradun.

In the circumstances, the Guardians and Wards Case No. 02 of 2005 is withdrawn from the court of Additional Judge, Family Court, Rishikesh and transferred to the court of Principal Judge, Family Court at Dehradun under Section 24 of the Code for further trial and disposal of the case. (The stay vacation application No. 1145 of 2006 also stands disposed of)

(P.C. Pant, J.)

Dt. 16.02.2006
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